

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JIM MARSHALL PHOTOGRAPHY LLC,

No. C-11-06702 DMR

Plaintiff(s),

**ORDER RE PARTIES JUNE 20, 2013
STIPULATION**

v.

JOHN VARVATOS OF CALIFORNIA,

Defendant(s).

On June 20, 2013, the parties filed a stipulated request to amend the court's June 3, 2013 Order on Defendants' Motion for Partial Summary Judgment on the grounds that in its order, the court entered summary judgment as to one image for which Defendants had not sought summary judgment. [Docket No. 95.] The court construes the parties' request as a motion for leave to file a motion for reconsideration pursuant to Local Rule 7-9, grants the motion, and issues the following order:

In their motion for partial summary judgment, Defendants challenged Plaintiff's standing and ability to bring an infringement action with respect to, *inter alia*, images which appeared in the book *Not Fade Away*, arguing that Plaintiff's copyright registration for the book did not extend to the individual photographs contained therein. The court granted summary judgment as to the thirteen *Not Fade Away* images, including an image of Johnny Cash identified in the third amended complaint as (x). (June 3, 2013 Order at 18-20.) However, in Defendants' motion, they noted that

1 Plaintiff had separately registered its copyright in the Johnny Cash image and conceded that the
2 image “appeared to belong to Marshall.” (Defs.’ Mot. 19-20.) Accordingly, Defendants did not
3 move for summary judgment as to image (x). Therefore, the court grants the parties’ request to
4 amend its June 3, 2013 order so as to remove image (x) from the images for which summary
5 judgment was granted in favor of Defendants. The court will issue an amended order on the motion.

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7 IT IS SO ORDERED.

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9 Dated: June 20, 2013

